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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
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RUEHBJ/AMEMBASSY BEIJING 1919
RUEHKA/AMEMBASSY DHAKA 4912
RUEHNE/AMEMBASSY NEW DELHI 4856
RUEHUL/AMEMBASSY SEOUL 8412
RUEHKO/AMEMBASSY TOKYO 5974
RUEHCN/AMCONSUL CHENGDU 1506
RUEHCHI/AMCONSUL CHIANG MAI 1687
RUEHCI/AMCONSUL KOLKATA 0357
RUEAIIA/CIA WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEKJCS/DIA WASHDC
RUEHGV/USMISSION GENEVA 3876
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUCNDT/USMISSION USUN NEW YORK 1827
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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000530

SIPDIS

STATE FOR EAP/MLS; INR/EAP
DEPT PASS TO DEPT OF AGRICULTURE
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SUBJECT: BURMA: NO EVIDENCE OF LAND SEIZURES IN DELTA

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Classified By: Economic Officer Samantha A. Carl-Yoder for Reasons 1.4
(b and d)

11. (C) Summary. Officials from various UN agencies, NGOs, and the private sector have confirmed that the Burmese Government has not seized land from farmers in the Irrawaddy Delta, despite rumors and news reports to the contrary. According to Burmese law, the government is the sole property owner of land, which it grants to individuals, farmers, and business to use for specific time periods. Land grant contracts contain clauses allowing the GOB to confiscate land if it is in the "national interest," business contacts told us. Several NGOs warned that the GOB may remove any displaced people living or farming in reserved forests, as the land is protected by law. Despite the loss of land records, NGOs and the FAO have not received reports of land disputes among farmers in the delta. End Summary.

False Rumors of Land Seizures

12. (C) Rumors and reports that the Burmese Government is confiscating land from farmers in Bogalay who have already received or purchased farming equipment and seeds continue to abound. We met with a variety of contacts to verify whether these rumors were true; all of our contacts confirmed that they had not seen any evidence nor heard any stories from farmers about land seizures. Sanaka Samarasinha, UNDP Deputy Resident Representative, recently returned from a trip to Bogalay, where he met with farmers and other vulnerable populations in various villages in Bogalay Township. Neither he nor his staff working in the UNDP Bogalay field office observed any instances of land seizure. Steve Marshall, ILO Liaison Officer, noted that his office would be the one to

receive any complaints of land seizures; to date, the ILO has not received any official or unofficial reports of GOB land confiscation.

13. (C) We canvassed NGOs working in the Bogalay area to determine if they had witnessed or heard anything about land seizures. Sid Naing, Director of Marie Stopes International and Save the Children Director Andrew Kirkwood also confirmed the rumors to be false. Fahmid Bhuiya of PACT did note, however, that there were many forest reserves in Bogalay. He observed that the Ministry of Forestry had the right to relocate any displaced people who had moved onto and started farming in protected forests. The Minister of Forestry, who is personally overseeing the development of Bogalay, would be likely to uphold the environmental regulation, even if it meant moving displaced people who had lost everything in the storm, Bhuiya concluded.

14. (C) FAO Deputy Representative Leon Gouws, whose office provided seeds and draft animals to farmers in the affected areas, confirmed on June 28 that farmers in several townships in Bogalay had already started planting rice. The FAO office, aware of the circulating rumors and the potential consequences for future assistance, will closely monitor the situation, he noted. The Minister of Agriculture also expressed concern to FAO staff about the stories of land seizures. According to Gouws, the Minister of Agriculture emphatically denied that it was happening; to the contrary, the Ministry of Agriculture remains committed to ensuring the farmers have access to seeds, draft animals, and power tillers so they can salvage the monsoon planting season. Gouws questioned the rumors, noting it unlikely that the GOB would provide farmers with farming inputs only to move them

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off the land. The GOB wants farmers to plant rice. It would not make sense for the Burmese Government to seize land and dislocate farmers, given the close international scrutiny on its every move, he opined.

Who Owns the Land?

15. (C) The nature of land rights in Burma is complicated, business contacts told us. Under Burmese law, the government is the sole land owner. The Settlement and Land Records Department (SLRD) under the Ministry of Agriculture provides grants to individuals, families, farmers, and businesses for the use of the land. Once a person has a land grant, he or she has the discretion to sub-grant the land to others, further complicating the situation. Grants can span anywhere from ten years to one hundred years, although the average land concession is for a thirty-year period, Embassy contact Zaw Naing explained. Land grant contracts contain clauses allowing the GOB to confiscate land if it is in the "national interest," including non-use of agricultural land as defined by the Ministry of Agriculture. A family or farmer may work the land for generations, so they mistakenly think that they own the land. In reality, the Burmese people have the right to use the land, but do not have the right to own the land, Zaw Naing emphasized.

16. (C) According to the SLRD office, there is no set fee for a land grant; costs and taxes are dependent upon location, proposed use of the land, and duration of the grant. In some instances, farmers in the Irrawaddy Delta obtained land grants for free, but were obligated to turn over part of their crop to the local authorities, Zaw Naing noted.

Land Records Lost

17. (C) Karen Hundland of the NGO Consortium (a group of Burmese NGOs working together on cyclone assistance) told us that because many of the Irrawaddy Delta SLRD offices, which maintained land grant records, were destroyed, land use

issues in the delta could become a concern. Ministry of Agriculture officials told the FAO that it maintained backup records in Nay Pyi Taw, so it could mediate any disputes over land use. So far, NGOs and the FAO have not received any reports of land disputes and some farmers have successfully started to recultivate their land. Hundland observed that on the village level, local authorities and farmers had a good understanding of who was doing what before the storm and where. If any land disputes were to occur, local authorities would likely intervene and settle the issue before the Ministry of Agriculture would become involved. The informal system appears to be working, she noted.

¶18. (C) There remain a large number of landless people living in the Delta, estimated at 120,000 households (or approximately 600,000 people). Many of these people were day laborers, working on other people's land for daily wages. Potentially, these individuals could try to assert some ownership over land, despite having no legal foundation, Hundland noted. NGOs and UN agencies continue to work to reestablish their livelihoods as a way to prevent any potential conflicts.

¶19. (C) No one we spoke with had information about how the GOB would handle cases where land grant farmers in the delta had died in the storm. On most occasions, the land grant

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would pass down to family members. However, entire families in the delta perished in the cyclone, leaving no one with a legal claim to the land. The FAO plans to work with the Ministry of Agriculture to address this issue, Gouws told us.

Comment

¶10. (C) Because the Burmese people do not have the right to own land, the issue of land use is of fundamental importance. The UN and NGOs agree that the faster displaced people return to their land and resume their livelihoods - whether it be farming, fishing, or salt production - the less likely the regime will confiscate the land for national interest purposes. Although the loss of land records could provide an excuse for the GOB to seize land and re-grant it to regime cronies, we have seen no evidence of this. On the contrary, Ministry of Agriculture officials and local authorities continue to work with some Irrawaddy farmers (primarily large land holders with 60 acres or more), assisting them in regaining their livelihoods. The GOB has given tacit approval to NGOs and UN agencies to focus their recovery efforts on small land holders and landless farm labor, enabling them to return to work as quickly as possible. Additionally, the Ministry of Agriculture plans to suspend the usual production quotas on farmland in the delta, so non-use of land should not be a reason for confiscation.

VILLAROSA